

## Message Text

LIMITED OFFICIAL USE

PAGE 01 TEL AV 09982 041516Z  
ACTION SCS-06

INFO OCT-01 NEA-10 ISO-00 CA-01 HA-05 JUSE-00 L-03  
/026 W

-----095578 051019Z /11

R 041421Z AUG 78  
FM AMEMBASSY TEL AVIV  
TO SECSTATE WASHDC 4679

LIMITED OFFICIAL USE TEL AVIV 9982

ATTN: WILLIAM HURST - SCS

E.O. 11652: NA  
TAGS: CGEN  
SUBJECT: NAZI WAR CRIMINALS (FEODOR FEDORENKO)

PLEASE INFORM COLIT THAT MENDELSON HAS READ THE FEDORENKO CASE  
AND ASSUMES THE SG'S OFFICE WILL FILE A NOTICE OF APPEAL (TO BE  
HANDLED JOINTLY BY SG AND COLIT). THE FOLLOWING POINTS ARE NOTED:

1. THE JUDGE SEEMS MORE CONCERNED WITH HIS OWN IMAGE THAN THE  
SUBSTANCE OF THE CASE (PP 3, 4, 8, 9 ETC).
2. THERE IS CONFUSION ABOUT THE APPLICABLE LAW (PP 40 ET SEQ.)
3. GRATUITOUS SLURS AGAINST THE DOJ (P.8).
4. INHERENT INCREDIBILITY IN DISBELIEVING ALL OF THE GOVERNMENTS  
WITNESSES (EXCEPT WHEN IT SUITED THE JUDGE'S AND DEFENDENT'S  
CONCLUSION) AND BELIEVING EVERYTHING THE DEFENDANT SAID.
5. COMMENTS AND RELIANCE ON FACTS OUTSIDE THE RECORD (I.E. P.9).
6. RELIANCE ON 1909 JUSTICE DEPARTMENT CIRCULAR (P.1) IS  
MISPLACED BECAUSE:

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(A) THE CIRCULAR WAS NOT ISSUED IN CONTEMPLATION OF  
NAZI ATROCITIES.

(B) THE CIRCULAR PREDATES AND IS, THEREFORE, INAPPLICABLE  
TO THE CURRENT LAW UNDER WHICH THE TRIAL WAS HELD.

(C) DOJ/INS AS THE ADMINISTERING AGENCY IS TO BE GIVEN  
WIDE DEFERENCE IN THE INTERPRETATION OF THE CIRCULAR.

7. WAS ANY TESTIMONY, RATHER THAN COUNSEL ARGUMENTS, ADVANCED  
ABOUT THE ALLEGED CONFUSION CONCERNING ROHOZA?

PLEASE ADVISE MENDELSON, THROUGH AMEMBASSY TEL AVIV, WHEN NOTICE  
OF APPEAL FILED.  
LEWIS

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Executive Order:** N/A  
**Errors:** N/A  
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**Subject:** NAZI WAR CRIMINALS (FEODOR FEDORENKO) PLEASE INFORM COLIT THAT MENDELSON HAS READ THE FEDORENKO CASE AND ASSUMES THE SG'S OFFICE WILL FILE A NOTICE OF  
**TAGS:** CGEN  
**To:** STATE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014